IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 33031 of 2006(G)

PETITIONER:

ROMEO JACOB, S/O.JACOB,
MEKKATTUKULAM VEEDU, MUNDUR DESOM,
ANJUR VILLAGE, THRISSUR TALUK.

BY ADV. SRI.R.MANOJ
SMT.SINDHU MANOJ

RESPONDENTS:

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1. THE GENERAL MANAGER,
THRISSUR DISTRICT CO-OP. BANK, 60, THRISSUR.

2. THE KERALA CO-OP. TRIBUNAL,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

W.P.(C) No.33031 of 2006

Dated this the 12th December, 2006.

J U D G M E N T

The writ petitioner is an alleged defaulter. An award has been passed by the Arbitration Court for an amount of Rs.6,25,302/= with interest at the rate of 18% per annum, on the principal amount of Rs.3,93,235/= from 1.6.2004. Challenging the same, petitioner has approached the Co-operative Tribunal, Thiruvananthapuram, through Revision Petition No.229/2006. The Tribunal while passing an order in the interlocutory application and granting a stay, directed the petitioner to remit an amount of Rs.1,30,000/= as a condition precedent. The writ petitioner is before this Court praying to modify the said condition of remittance of Rs.1,30,000/=, as he is unable to pay the said amount in a lump, within a short period.

2. I have heard the arguments advanced by the learned counsel appearing for the writ petitioner, the learned Senior Government Pleader and the counsel appearing for the first respondent.

3. Considering the circumstances of this case, without entering into any discussion on the merit of the matter, I dispose of the writ petition, sustaining the interim stay granted by the Co-operative Tribunal, Thiruvananthapuram, on 18.11.2006, but modifying the condition of Rs.1,30,000/= to Rs.75,000/=. This amount of Rs.75,000/= shall be paid on or before 30.12.2006.

4. However, I make it clear that the Tribunal shall expedite the disposal of the revision petition pending before it.

J.M. JAMES,
JUDGE

nj.